

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

MACHELLE C.,	:	Case No. 1:18-cv-268
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Karen L. Litkovitz
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
Defendant.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATIONS  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 38)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on December 27, 2022, submitted a Report and Recommendations (Doc. 38).

Plaintiff filed an objection on January 3, 2023, which objection seeks an appeal to overrule the Magistrate Judge's Reports and Recommendations. (Doc. 34). The Court notes that a report and recommendation is not a final, appealable order. *See Crouch v. Hinton*, 956 F.2d 268 (6th Cir. 1992) (a "report and recommendation entered by a magistrate judge is not final and appealable unless the magistrate judge has been given plenary jurisdiction by the district court and by the consent of the parties under 28 U.S.C. § 636(c)(1).). Instead, Plaintiff must pursue an appeal of a district court's judgment.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all

the filings in this matter. Upon consideration of the foregoing and careful review of Plaintiff's objections, the Court finds that the Report and Recommendation (Doc. 38) should be and is hereby adopted in its entirety.

Accordingly, for the reasons stated above:

1. The Report and Recommendation (Doc. 38) is hereby **ADOPTED**;
2. Plaintiff's objection (Doc. 39) is **OVERRULED**;
3. Plaintiff's motion "for my SSDI case to move forward" (Doc. 37) is **DENIED**;
4. The Court certifies that pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed in forma pauperis in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997); and
5. The Clerk shall enter judgment accordingly, whereupon this action remains terminated upon the docket of the Court.
6. Plaintiff is **ADVISED** that, if she wishes to obtain review of this Court's Order, she must pursue an appeal to the United States Court of Appeals for the Sixth Circuit and not file any further post-judgment motions or documents with this Court.<sup>1</sup>

**IT IS SO ORDERED.**

Date: 1/5/2023

s/Timothy S. Black  
Timothy S. Black  
United States District Judge

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<sup>1</sup> The United States District Court for the Southern District of Ohio provides a guide for pro se civil litigants, which guide includes a section, Section III(K) on appeals: <https://www.ohsd.uscourts.gov/sites/ohsd/files//Pro%20Se%20Manual%20Aug%202019%20version.pdf>. The Southern District of Ohio also provides forms, including a form notice of appeal: <https://www.ohsd.uscourts.gov/sites/ohsd/files//notofapp.pdf>.